

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4121

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES H. COLEMAN,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge. (CR-01-90)

Submitted: October 15, 2004

Decided: October 25, 2004

Before WILKINSON and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

J. Dennis Murphy, Jr., J. DENNIS MURPHY, JR., P.A., Annapolis, Maryland, for Appellant. Thomas M. DiBiagio, United States Attorney, David I. Salem, Assistant United States Attorney, Greenbelt, Maryland, David Farnham, DEPARTMENT OF JUSTICE, Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

James H. Coleman appeals his conviction following his guilty plea to making a false statement to a federal agency, in violation 18 U.S.C. § 1001 (2000). Coleman was sentenced to a two-year term of probation. Because Coleman pleaded guilty and waived his right to appeal his sentence, he is foreclosed from appealing any non-jurisdictional issue. See United States v. Willis, 992 F.2d 489, 490 (4th Cir. 1993). Coleman argues that the district court was without subject matter jurisdiction because his conduct fell within the "judicial function" exception to making a false statement set forth in § 1001(b). Because Coleman was charged with, and convicted of, making a false statement to a federal agency, it is clear his conduct was not insulated from criminal liability by § 1001(b). Therefore, the district court properly possessed subject matter jurisdiction over Coleman's offense. See § 1001(a). Accordingly, we affirm Coleman's conviction and sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED